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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
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9 Susan Gellos, et al.,
10 Plaintiffs,
11 v.
12 City of Phoenix, et al.,
13 Defendants.
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No. CV-24-01529-PHX-GMS

ORDER

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16 This matter having recently come before this Court,

17 **IT IS ORDERED** that motions pursuant to Fed. R. Civ. P. 12(b)(6) and 12(c) are
18 discouraged if the defect can be cured by filing an amended pleading. Therefore, the parties
19 must meet and confer prior to the filing of such motions to determine whether it can be
20 avoided. Consequently, motions to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) or for
21 judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c) must contain a certification of
22 conferral indicating that the parties have conferred to determine whether an amendment
23 could cure a deficient pleading, and have been unable to agree that the pleading is curable
24 by a permissible amendment. In addition, parties shall endeavor not to oppose motions to
25 amend that are filed prior to the Scheduling Conference or within the time set forth in the
26 Rule 16 Case Management Order. Motions to dismiss that do not contain the required
27 certification are subject to be stricken on the Court's motion.

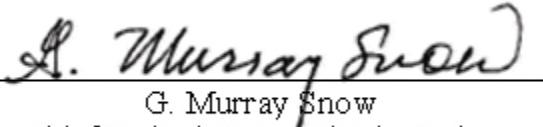
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1 **IT IS FURTHER ORDERED** if any Defendant files a motion to dismiss under
2 Rule 12(b)(6) or 12(c) and if Plaintiffs contend any further amendment of Plaintiffs'
3 Complaint (Doc. 1) can cure any alleged deficiency, Plaintiffs must submit, no later than
4 the time Plaintiffs file a response to a motion to dismiss, a proposed amended complaint
5 containing all further allegations Plaintiffs could make.

6 **IT IS FURTHER ORDERED** that, in the event a motion to dismiss is granted in
7 any part, no leave will be granted to amend the Complaint beyond what is offered in that
8 proposed amended complaint.

9 **IT IS FURTHER ORDERED** that Plaintiffs serve a copy of this Order upon any
10 Defendant who has not yet made a formal appearance.

11 Dated this 25th day of June, 2024.

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13 G. Murray Snow
14 Chief United States District Judge

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